

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARTHA LOUISE HAYES,

Plaintiff,

vs.

KILOLO KIJAKAZI, Acting Commissioner of
Social Security,

Defendant.

4:21-CV-3316

**ORDER ON MOTION FOR
ENLARGEMENT OF TIME**

In this Court, GENERAL ORDER NO. 2015-05 governs procedural matters for actions challenging a final decision of the Commissioner of the Social Security Administration under § 205(g) of the Social Security Act, [42 U.S.C. § 405\(g\)](#). *See Filing 3 at 1.* Pursuant to GENERAL ORDER NO. 2015-05, to the extent Plaintiff sought to file a motion for an order reversing the Commissioner’s decision or granting other relief, she was required to file such motion—along with a supporting brief—within 30 days after the administrative record was filed. *See Filing 3.* The administrative record in this case was filed on April 4, 2022. Thus, Plaintiff’s motion and supporting brief were due no later than May 4, 2022. Plaintiff filed neither a motion nor an accompanying brief by this prescribed deadline. Instead, on August 16, 2022—over 100 days after her brief was due—Plaintiff filed a Motion for Enlargement of Time requesting “an enlargement of 30 days to file the brief.” [Filing 15](#). In this filing, Plaintiff avers that she has communicated with Counsel for the Commissioner and that there is no objection to the motion.

Federal Rule of Civil Procedure 6(b)(1) permits a court to extend a filing deadline for good cause. This rule, however, distinguishes between situations in which a request is made before the specified timeframe expires and situations in which a party makes such a request after the deadline has passed. *Compare Fed. R. Civ. P. 6(b)(1)(A)* with *Fed. R. Civ. P. 6(b)(1)(B)*. In the latter scenario, a court may, for good cause, extend the time “on motion made after time has expired if the party failed to act because of excusable neglect.” *Fed. R. Civ. P. 6(b)(1)(B)*. Plaintiff must show good cause and that she acted with excusable neglect before the Court will consider extending its deadlines. Plaintiff has done neither. This Court does not consider agreement of opposing counsel to be good cause for an extension of the Court’s deadlines. Accordingly, the Court denies Plaintiff’s Motion for an Enlargement of Time without prejudice to reassertion. Plaintiff shall have fourteen (14) days from the date of this order to file a subsequent motion to extend the Court’s deadlines establishing both good cause and further articulating excusable neglect.

IT IS ORDERED that Plaintiff’s Motion for Enlargement of Time is denied without prejudice to reassertion within fourteen (14) days of the date of this order.

Dated this 18th day of August, 2022.

BY THE COURT:



Brian C. Buescher
United States District Judge